

Docket No. LLP113US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Applicant: Bernd Schmandt, et al.

Serial No: 10/799,001

Filed: March 12, 2004

For: FREQUENCY CHANNEL SELECTION IN A DATA TRANSMISSION  
METHOD WHICH USES A FREQUENCY HOPPING METHOD

**NON-FEE PETITION TO REQUEST FOR FILE CLARIFICATION FROM EXAMINER**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On March 12, 2004, an Information Disclosure Statement ("IDS") was prepared and filed with the U.S. Patent and Trademark Office ("USPTO") in connection with the above-referenced patent application. Along with the IDS, copies of each cited reference were mailed to the USPTO pursuant to the USPTO requirements back in March of 2004.

On May 17, 2010 it was brought to our attention that one of the U.S. Patent references was incorrectly listed on the PTO form 1449 as 6,062,407 instead of 6,052,407. The name of the patentee and the date of the patent were correctly listed to match the 6,052,407 reference. We believe a copy of the correct reference 6,052,407 was mailed with our packet for consideration by the Examiner at the time the IDS had been filed.

Upon being notified of this error, a call was then promptly made to Examiner, Leon Flores to clarify that reference 6,052,407 had been considered instead of 6,062,407. Examiner Flores indicated that he was unsure of which reference had been looked at during his review of the March 12, 2004 IDS. Therefore, we are enclosing a corrected Information Disclosure Statement with a clean copy of the correct reference in order to clarify the record.

The Commissioner is hereby authorized to charge any fees associated with this communication, to Deposit Account No. 50-1733, LLP113US.

Respectfully submitted,

ESCHWEILER & ASSOCIATES, LLC

/Thomas G. Eschweiler/

Thomas G. Eschweiler

Registration No. 36,981

PNC Bank Building  
629 Euclid Avenue, Suite 1000  
Cleveland, Ohio 44114  
(216) 502-0600